

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

KENNETH GREGORY WILLIAMS,

Plaintiff,

2:13-cv-00950-AA

v.

ORDER

OREGON DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

AIKEN, District Judge.

The State Defendants now move to dismiss plaintiff's claims against defendants Sprague, Hallman and Kitzhaber. State Defendants' Partial Rule 12(B)(6) Motion to Dismiss (#57).

Plaintiff's motion to dismiss plaintiff's claims against defendants Sprague and Hallman is allowed for the reasons set forth in Judge Simon's Order (#13) entered July 30, 2013. Specifically, plaintiff's claims against these defendants is

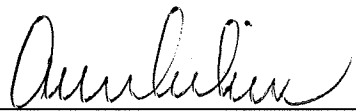
"more in the nature of a request for reconsideration" of the court's dismissal of plaintiff's prior civil rights action, *Williams v. Oregon Department of Corrections*, Civ. No. 3:10-cv-00730-SI.

Defendants motion to dismiss plaintiff's claim against defendant Kitzhaber is allowed because plaintiff has failed to allege that defendant Kitzhaber engaged in any action that deprived plaintiff of of his federally protected rights. See, Stevenson v. Koskey, 877 F.2d 1435, 1439 (9<sup>th</sup> Cir. 1989); Johnson v. Duffy, 588 F.2d 740 (9<sup>th</sup> Cir. 1978).

Defendants' Motion (#57) is allowed. Plaintiff's claims against defendants Sprague, Hallman and Kitzhaber are dismissed with prejudice.

IT IS SO ORDERED

DATED this 8<sup>th</sup> day of April, 2014.



United States District Judge